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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 121/2025, CM APPL. 65774/2025, CM APPL. 65775/2025**
DEEPALI MALIK & ORS.Appellants
Through: **Ms. Arundhati Katju, Sr. Adv. with Mr. Vikas Sharma, Ms. Akshita Nigam, Ms. Ritika Meena, Mr. S. Vinod, Mr. Vaibhav Sanwal, Adv.**

versus

RAMA LUTHRA & ORS.Respondents
Through: **Mr. Gautam Narayan, Sr. Adv. with Ms. Srishti Juneja, Ms. Sugandh Kochhar, Mr. Tejaswi Bhanu, Adv.**

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
16.10.2025

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1. Through the present Appeal, the Appellants [Defendants before the learned Single Judge] assail the correctness of an order dated 25.08.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Single Judge, whereby the Appellants/Defendants were directed to deposit a sum of Rs.3 crores with the worthy Registrar General of this Court within a period of six weeks while granting conditional leave to defend the suit.
2. During the course of the arguments, learned senior counsel representing the Appellants confine her submissions only on the aspect of directing the Appellants to deposit the amount in cash with the worthy Registrar General of this Court. Learned senior counsel,



while referring to order dated 06.05.2024, submits that at the initial stage, the Court had restrained the Appellants/Defendants from alienating their properties which are valuing more than the amount of the suit.

3. *Per contra*, learned senior counsel representing the Respondents submits that the learned Single Judge has found that the suit filed by the Respondent No.1 [Plaintiff before the learned Single Judge] has *prima facie* merit and the defence put forth by the Appellants/Defendants is not plausible. Learned senior counsel submits that the learned Single Judge has found middle ground in order to enable the Appellants/Defendants to defend the suit.

4. This Court has heard the submissions made by the learned senior counsel representing the parties.

5. It will be noted here that the Appellants/Defendants have offered to deposit the title deeds/documents of the following three unencumbered properties in order to secure payment of the amount, in case the suit is decreed:

Sr. No.	Property details	Approx. Market Value
1.	5.5 acre of land on Umra Road	Rs. 17 cr.
2.	3.975 acre of land on Hansi – Hisar Road	Rs. 50 cr.
3.	Ancestral Home in Hansi 900 sq. yds.	Rs.12 cr. (in the name of Ajit Singh Malik)

6. The deposit of Rs.3 crores with the worthy Registrar General of this Court would result in parking a huge sum which cannot be utilized for further earning the amount. The suit is at the initial stage. The purpose of granting the conditional leave to defend is to secure



the interest of the Respondent No.1/Plaintiff, in case the suit is decreed. The decision of the suit is likely to take sufficiently long time and if the amount is deposited with the Court, as ordered by the learned Single Judge, the sum will remain unproductive for a long time.

7. In these circumstances, the offer made by the learned senior counsel for the Appellants appears to be appropriate.

8. Keeping the view the aforesaid facts, the Appellants/Defendants are directed to deposit the original title deeds/documents of the aforesaid three unencumbered properties with the worthy Registrar General of this Court along with an undertaking that these properties will not be alienated and/or encumbered during the pendency of the suit.

9. Moreover, the Appellants/Defendants are also directed to state in the undertaking that in case the suit filed by the Respondent No.1/Plaintiff is decreed, the Respondent No.1/Plaintiff shall be entitled to recover the amount by selling any of the aforesaid three unencumbered properties and the Appellants/Defendants will not raise any objection.

10. Let the compliance be done by the Appellants within a period of fifteen (15) days.

11. The present Appeal is accordingly disposed of. All pending applications stand closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 16, 2025/ljai/dev